

# EXHIBIT A



RE: RE:

Pellegrini, Nadine (USAMA) to: Timothy Watkins

10/31/2014 02:27 PM

"Chakravarty, Alope (USAMA)", Bruck David, "Cabell, Donald  
Cc: (USAMA)", Judy Clarke, Miriam Conrad, William Fick, "Weinreb,  
William (USAMA)"

Tim,

As we stated earlier, the government will not consent to any evidence being removed from government custody and subjected to testing without knowing the identity of the item, where it is going, the nature of the tests, and the degree to which the testing might alter or destroy the item or its character -- a judgment we intend to make for ourselves. "Evidence technicians" unassociated with the prosecution are in no position to judge whether the government should consent to having original items of evidence removed from government custody, especially so close to the trial date. Please provide the requested information and we will get back to you ASAP.

Thanks.

Nadine

-----Original Message-----

From: Timothy Watkins [mailto:Timothy.Watkins@fd.org]

Sent: Wednesday, October 29, 2014 7:58 PM

To: Pellegrini, Nadine (USAMA)

Cc: Chakravarty, Alope (USAMA); Bruck David; Cabell, Donald (USAMA); Judy Clarke; Miriam Conrad; William Fick; Weinreb, William (USAMA)

Subject: RE:

Nadine,

Are we good to go with this? As you know, forensic testing can take some time and I don't want to let this sit too long. Let me know. Thanks,

Tim

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Bill:

Not a problem. We will tell the evidence technicians where to send the item and what the tests are. The testing will not alter or destroy the item or its character. If the evidence techs here in Boston want to photograph it when it goes out, we will stipulate that the photos accurately document the item as it existed when sent. So the only difference between this testing and what has been done already is that in this instance the FBI will send the item to (and retrieve the item from) an outside lab, and consistent with United States v. Horn it will be the defense team, rather than the government trial team, who will know what tests have been ordered on what item(s), and what results were obtained.

Are we a go?

Timothy Watkins  
Assistant Federal Defender

Federal Defender Office  
District of Massachusetts  
51 Sleeper St., Fifth Floor  
Boston, MA 02210  
(617) 223-8061

From: "Weinreb, William (USAMA)" <William.Weinreb@usdoj.gov>  
To: Timothy Watkins <Timothy\_Watkins@fd.org>, "Pellegrini, Nadine (USAMA)" <Nadine.Pellegrini@usdoj.gov>, "Chakravarty, Alope (USAMA)" <Alope.Chakravarty@usdoj.gov>, "Cabell, Donald (USAMA)" <Donald.Cabell@usdoj.gov>  
Cc: Bruck David <bruckd@wlu.edu>, Judy Clarke <judyclarke@jcsrlaw.net>, Miriam Conrad <Miriam\_Conrad@fd.org>, William Fick <William\_Fick@fd.org>  
Date: 10/20/2014 12:42 PM  
Subject: RE:

Dear Tim:

The government will not consent to any evidence being removed from government custody and subjected to testing without knowing the identity of the item, where it is going, the nature of the tests, and the degree to which the testing might alter or destroy the item or its character.

Bill

-----Original Message-----

From: Timothy Watkins [mailto:Timothy\_Watkins@fd.org]  
Sent: Monday, October 20, 2014 11:59 AM  
To: Pellegrini, Nadine (USAMA); Chakravarty, Alope (USAMA); Weinreb, William (USAMA); Cabell, Donald (USAMA)  
Cc: Bruck David; Judy Clarke; Miriam Conrad; William Fick  
Subject:

Al, et al.:

We would like to conduct forensic testing on a piece of clothing that is currently in the custody of the FBI. The testing will require that the item be sent out to a laboratory we have contracted with. We propose to have the FBI evidence technicians send the item to a laboratory we have contracted with. The laboratory will return the item directly to the FBI Boston technicians once testing is completed. As per the procedure we have in place, the technicians would not communicate with you or Dave Donahue regarding what the item is and where the tested item was sent to.

I spoke to Dave Donahue and he indicated he would need your approval to do this. Let me know your thoughts on how we can make this work.

Thanks,

Timothy Watkins  
Assistant Federal Defender  
Federal Defender Office  
District of Massachusetts  
51 Sleeper St., Fifth Floor

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(617) 223-8061